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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

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AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

MAY 02 2005

DOCKETED BY

STAFF OF THE UTILITIES DIVISION,

Complainant,

vs.

MOUNT TIPTON WATER COMPANY, INC.

Respondent.

DOCKET NO. W-02105A-04-0880

IN THE MATTER OF THE APPLICATION OF
MOUNT TIPTON WATER COMPANY, INC. FOR
A RATE INCREASE.

DOCKET NO. W-02105A-03-0303

PROCEDURAL ORDER

BY THE COMMISSION:

On December 10, 2004, the Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") filed a Complaint against Mount Tipton Water Company ("Mt. Tipton") alleging Mt. Tipton has not complied with various conditions set forth in Decision No. 67162 (August 11, 2004).

Mt. Tipton failed to timely file an Answer to the Complaint.

By Procedural Order issued February 15, 2005, a pre-hearing conference was scheduled for the purpose of discussing the procedures governing this matter.

On March 24, 2005, following a pre-hearing conference held on March 10, 2005, a Procedural Order was issued setting a status conference to be held on April 29, 2005, unless Complainant had filed a motion to withdraw the complaint by April 28, 2005.

No motion to withdraw was filed.


The status conference was convened as scheduled on April 29, 2005. Staff appeared through counsel and Respondent appeared through the Secretary of its Board of Directors. Staff reported that Respondent has been working diligently to cure its non-compliance with Decision No. 67162, but

1 that Staff had not withdrawn its Complaint because Staff believes issues remain regarding Counts V
2 (hook-up fee reporting requirements) and VI (filing a copy of its general ledger) of the Complaint.
3 Staff recommended that another status conference be set for 60 days in order to allow time for
4 Respondent to cure the alleged lack of compliance with the remaining requirements of Commission
5 Decision No. 67172. Respondent provided assurance at the status conference that hook-up fee funds
6 are being placed in a segregated account as required by Decision No. 67172 and are not being used to
7 pay operating expenses. Respondent agreed that 60 days should provide adequate time for it to make
8 filings to bring it into compliance with Decision No. 67172.

9 Staff's request to hold a status conference in 60 days is reasonable and should be adopted

10 IT IS THEREFORE ORDERED that, unless Complainant has filed a motion to withdraw the
11 above-captioned Complaint prior to June 28, 2005, a second status conference on the Complaint shall
12 be held on **June 29, 2005, at 1:30 p.m.**, at the Commission's offices, 1200 West Washington Street,
13 Phoenix, Arizona.

14 Dated this 2d day of May, 2005

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TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

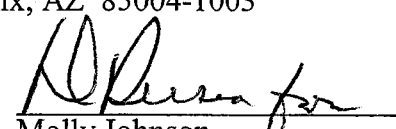
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20 The foregoing was mailed/delivered
this 2nd day of May, 2005 to:

21 Kelly Schwab
22 William Thompson
23 MOUNT TIPTON WATER COMPANY,
24 INC.
15996 N. Ironwood Drive
P.O. Box 38
Dolan Springs, AZ 86441

25 Christopher Kempley, Chief Counsel
26 Legal Division
27 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

28 By: 
Molly Johnson
Secretary to Teena Wolfe